

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RANDOLPH ALLEN,

No. C 05-1922 WHA (PR)

Plaintiff,

**ORDER DISMISSING WITH
LEAVE TO AMEND**

vs.

Sergeant WARE, Lieutenant MOORE,
Lieutenant D. M. BENEDETTI,
Counselor WILLIAMS, and Appeals
Coordinator W. B. CHILDRESS,

Defendants..

This is a civil rights case filed pro se by a state prisoner. In the initial review order the complaint was dismissed with leave to amend because the claims were “jumbled and conclusory.” He was ordered to amend on the court’s form for prisoner civil rights complaints, in the hopes that would help him clarify his claims. Plaintiff instead filed a complaint which is not on the form. It does not identify who is intended to be the defendants nor where they might be found if service is ordered. It also does not comply with the Court’s order to clearly identify who is intended to be the defendant on each claim.

Shortly after filing the amendment plaintiff filed another amended complaint, this time on the form, but this one does not contain his claims – he simply complains that he is unable to make copies and that he is unable to go to the law library because the prison is on lockdown. Technically, this is presently the operative complaint. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992) (amended complaint completely replaces all previous complaints).

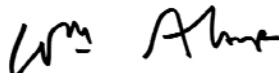
1 Plaintiff has not complied with the Court's order, but in view of his contentions
2 regarding his inability to go to the law library and his difficulty in amending, he will be
3 afforded one more opportunity.

4 The complaint is **DISMISSED** with leave to amend within thirty days from the date this
5 order is entered, on the Court's form, stating clearly the basis for each claim as to each
6 defendant. Plaintiff also must provide sufficient information that service could be obtained if it
7 is ordered; that is, he must provide as much information as to each defendant as he has, for
8 instance rank, job position, and institution.

9 If plaintiff does not amend within the time allowed, this case will be dismissed without
10 further leave to amend.

11 **IT IS SO ORDERED.**

12
13 Dated: August 3, 2007.

14 
15 _____
16 WILLIAM ALSUP
17 UNITED STATES DISTRICT JUDGE
18
19
20
21
22
23
24
25
26
27

28 G:\PRO-SE\WHA\CR.05\ALLEN922.DWLTA2.wpd

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28